

within the upper above the sole and extending forwardly from the heel portion toward the forefoot portion, said lasting board being devoid of penetrating channels, a rigid heel counter mounted in the upper above said heel portion, said sole being formed with a longitudinal channel in the midsole and outsole with the channel extending through the peripheral rim and with the channel dividing the midsole and [outsold] outsole of the heel portion into a pair of laterally adjacent compression elements, said compression elements having interior sidewalls which are spaced apart an effective distance to isolate the compression elements from motion of their interior sidewalls and permitting independent movement of the compression elements, said channel extending upwardly through the sole and being separated from the upper by a connecting portion of the sole which has a vertical height that is effective to present a minimal transfer of motion between the compression elements responsive to stress forces whereby the heel counter and compression elements control the user's foot pronation movement with substantially low acceleration from an initial heel strike phase to a loading phase of the gait cycle for the shoe.

#### REMARKS

In the Office Action claims 1, 2 and 4 were rejected under section 103 as unpatentable over Ellis '294 in view of Ellis '491. It was contended that Ellis '924 teaches that slits/sipes can be applied to conventional shoes, and that conventional shoes are well known to have rigid heel counters. It was further contended that Ellis '491 discloses that channels/sipes can extend through the peripheral rim and that therefore it would have been obvious to provide the shoe